

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Waiver by	)	
	)	
Raymond-Knowles Elementary School	)	File No. SLD- 330449
Raymond, California	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: December 15, 2004**

**Released: December 15, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Waiver filed by Raymond-Knowles Elementary School, Raymond, California (Raymond-Knowles).<sup>1</sup> Raymond-Knowles requests a waiver of the Commission's rules governing the schools and libraries universal service support mechanism, specifically, the 28-day competitive bidding requirement.<sup>2</sup> For the reasons set forth below, we deny the Waiver Request.

2. In Funding Year 2002, applicants were required to post their FCC Forms 470 to the Universal Service Administrative Company (Administrator) website on or before December 20, 2001, to comply with the program's competitive bidding requirements.<sup>3</sup> Raymond-Knowles claims that it experienced major staff changes, resulting in the submission of its Funding Year 2002 Form 470 after the filing window deadline.<sup>4</sup> Raymond-Knowles states that the 28-day waiting period is simply a formality because there is one telephone company in its service area, and therefore, there would only be one bid.<sup>5</sup>

<sup>1</sup> Letter from Linda Lamont, Raymond-Knowles Elementary School, to Federal Communications Commission, filed July 23, 2002 (Waiver Request). The Funding Request Numbers at issue are: 892946, 892947, and 892949.

<sup>2</sup> *Id.*

<sup>3</sup> In accordance with the Commission's rules, an applicant must file with the Administrator, for posting to its website, an FCC Form 470 requesting services. *See* 47 C.F.R. § 54.504(b); Description of Services Requested and Certification Form (FCC Form 470), OMB 3060-0806 (September 1999) (Form 470 Instructions) at 2-3. The applicant must wait 28 days before entering into an agreement with a service provider for the requested services and submitting an FCC Form 471 requesting support for the services ordered by the applicant. *Id.*; 47 C.F.R. § 54.504(c).

<sup>4</sup> Waiver Request at 1. *See* FCC Form 470, Raymond-Knowles Elementary School, posted January 11, 2002. Consistent with the Commission's competitive bidding requirement, the allowable contract date was February 8, 2002. 47 C.F.R. § 54.504(b)(3), (4); § 54.511.

<sup>5</sup> Waiver Request at 1.

3. We find that a waiver is not appropriate. A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than strict adherence to the general rule.<sup>6</sup> Raymond-Knowles's assertion that major staff changes contributed to the late submission of its Funding Year 2002 FCC Form 470 is not a special circumstance warranting a waiver of our rules.<sup>7</sup> Moreover, the fact that there is only one provider in Raymond-Knowles's service area does not relieve Raymond-Knowles of the responsibility to comply with program rules. The Commission has consistently held that it is the applicant who has responsibility ultimately for the timely submission of the application.<sup>8</sup> Therefore, we deny the Waiver Request.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Request for Waiver filed by Raymond-Knowles Elementary School, on July 23, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>6</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *see also WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis), *cert. denied*, 409 U.S. 1027 (1972).

<sup>7</sup> *See Request for Waiver by Hancock County Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-318275, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 19521 (Wireline Comp. Bur. 2002) (finding that staffing problems do not relieve applicants of their responsibility to comply with program rules and procedures).

<sup>8</sup> *See Application for Review by Trinity Area School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-008858, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 20739 (Com. Car. Bur. 2001).